

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X

DAWN F. LITTLEJOHN,

Plaintiff,

vs.

**NOTICE OF MOTION TO
DISMISS THE COMPLAINT**

13 Civ. 1116 (RWS)

CITY OF NEW YORK; JOHN B. MATTINGLY,
FORMER COMMISSIONER; AMY BAKER; and
BRANDON STRADFORD,

Defendants.

----- X

PLEASE TAKE NOTICE that, upon the Declaration of Assistant Corporation Counsel Laura C. Rowntree, executed December 6, 2013, and the exhibits annexed thereto; the Memorandum of Law in Support of Defendants' Motion to Dismiss the Complaint, dated December 6, 2013; and upon all other pleadings and proceedings herein, defendants City of New York, Commissioner John B. Mattingly, Amy Baker, and Brandon Stradford will move this Court, at the United States Courthouse for United States District Court for the Southern District of New York, located at 500 Pearl Street, New York, New York, 10007, before the Honorable Robert W. Sweet, for an Order pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, dismissing all of plaintiff's causes of action on the grounds that plaintiff has not exhausted her administrative remedies as to her sexual harassment claim, and the remainder of plaintiff's complaint fails to state a claim upon which relief can be granted.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 6.1 of the Local Civil Rules of this Court, answering papers, if any, shall be served on or before December 20, 2013, and defendant's reply papers are to be served on or before December 27, 2013, and that, pursuant to the Individual Practices of Hon. Robert W. Sweet, oral argument shall take place on

Wednesday, January 22, 2013, at 12:00 p.m.

PLEASE TAKE FURTHER NOTICE that, defendants also request a stay of discovery during the pendency of their motion to dismiss, and that plaintiff has consented to this request.

Dated: New York, New York
December 6, 2013

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street
New York, New York 10007
(212) 356-2549
lrowntre@law.nyc.gov

By: /s/
Laura C. Rowntree
Assistant Corporation Counsel

To: Gregory Gladstone Smith (by ECF)
Gregory Smith & Associates
225 Broadway, Ste. 3901
New York, NY 10007
(212) 267-2042
gsmith225@aol.com

Docket No. 13 Civ. 1116 (RWS)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAWN F. LITTLEJOHN,

Plaintiff,

vs.

CITY OF NEW YORK; JOHN B.
MATTINGLY, FORMER COMMISSIONER;
AMY BAKER; and BRANDON STRADFORD,

Defendants.

**NOTICE OF MOTION TO DISMISS THE
COMPLAINT, and DECLARATION OF
LAURA C. ROWNTREE IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS THE
COMPLAINT**

MICHAEL A. CARDOZO

*Corporation Counsel of the City of New York
Attorney for Defendant
100 Church Street
New York, N.Y. 10007*

*Of Counsel: Laura C. Rowntree
Tel: (212) 356-2549
Matter #: 2013-018643*